

REMARKS

Reconsideration of the claims now present in the application is requested since it is believed no one reference of record or proper combination of such references would make it obvious to one skilled in the art to provide the structure as claimed for reasons set forth hereinafter.

Claim 1 and the claims which depend therefrom are believed to be allowable in that claim 1 in addition to setting forth at least three longitudinally spaced jam lugs there is a hook lug having a cutout opening transversely outwardly and an end lug joined to one of the base and the hook lug, "the end lug having an aperture extend transversely therethrough" with the aperture being transversely offset from the hook lug cutout. In Coderre at each end of the base there is what may be referred to as a hook lug, but there is no end lug in addition to the hook lug. Greff has three jam lugs 25-27 but no hook lug longitudinally intermediate the jam lug and the grommet 20 which is adjacent to, but spaced from the jam lug 25. It is not seen there is any suggestion in these references of providing both a hook lug and an end lug with a transverse aperture, nor any advantage in providing both, nor how to arrange such a combination on a cleat base.

As indicated in B.G. Corporation v. Walter Kidde & Company, Inc., Second Circuit, 26 USPQ 288, "All machines are made up of the same elements; rods, pawls, pitmans, journals, toggles, gears, cams and the like, all acting their parts as they always do and always must. ...But the elements are capable of an infinity of permutations, and the selections of that group which proves serviceable to a given need may require of high degree of originality." Similarly, it is respectfully submitted that cleat devices may be made up of a number of structural features and arranged in different manners. However, it is not seen where there is any suggestion in the references to make it obvious to provide the structure claimed, including rearranging parts of the references. Thus, the question arises from whence did the suggestion come to select the

references and purport to combine them in a manner that would make it obvious to make the claimed invention. It is respectfully submitted that it did not come from the references of record, but rather from the claims, which is improper. Claims 10-19 are believed to be allowable for similar reasons.

The independent claims are further believed to be allowable in that in Greff, the aperture in the grommet extends longitudinally, not transversely such as claimed and it is not seen where the suggestion would come from, other than this application, to have such an aperture in an end lug. It is noted in Greff, column 4, lines 35-37, it is stated "the user preferably extends the end of the flexible line 40 down through the grommet 20 near the top end 16 of the base and strings the flexible line 40 about ... the cleats 25, 26, 27 and winds the flexible line 40 about the clasp member 28 ...". Thus, it is respectfully submitted Greff teaches away from having an end lug with a transverse aperture transversely offset from a hook lug cutout such as set forth in claims 1 and 10. An advantage of having the hook lug and the transverse aperture is set forth on page 7, the second full paragraph of the application.

Claim 3 is further believed to be allowable in that it more specifically calls for the end lug being joined to one longitudinal end of the base, while the limitations in claim 1 from which it depends indicates the hook lug is longitudinally intermediate the end lug and a jam lug. Again, it is not seen from where the suggestion comes to make it obvious to provide such a structural arrangement, particularly when the hook lugs of Coderre are joined to the opposite ends of the cleat base.

Claims 7-9 and 14-18 are believed to be allowable in that, for example claim 16, includes to limitations to a base having a top surface and a generally planar bottom surface, jam lugs joined to the base to extend above the top surface and a chisel point ridge portion joined to the bottom surface to extend away therefrom. In Parsons, 5,987,711, the inner faces of the front plate and the back plate are provided with converging clamping ribs 18 that come together at integral portion 16 and would not penetrate a supporting surface when mounted thereto.


Thus it is respectfully submitted Parsons does not in any way suggest providing a cleat with a chisel point ridge portion to a cleat back surface to extend away therefrom nor function in a manner that the claimed structure would.

Claims 8, 14 and 16 are further believed to be allowable in that, for example claim 14, contain limitations to a chisel point portion extending longitudinally and another extending transversely, it not being seen that the references of record suggest providing such structure.

The claims now present in the application are believed to be in condition for allowance and an early notice to that effect is respectfully requested.

A request for a two month extension of time for replying to this Office Action is submitted herewith.

Respectfully submitted,


Clayton R. Johnson
Reg. No. 19,244


My File W90.203

Phone 952-926-6939

CERTIFICATE OF MAILING

I hereby certify that this correspondence or fee is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commission for Patents, P.O. Box 1450, Alexander, VA 22313-1450 on January 14, 2004.

CLAYTON R. JOHNSON (person mailing paper or fee)



January 14, 2005